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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN, HUY THANH

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/520,968

Applicant(s)

SAFADI ET AL.

Examiner

HUY T NGUYEN

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 33-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 and 39-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claims 1-4 ,7, 9, 11,13-14, 16, 17-19,22,26, 28-29 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okuyama (6,289,169) in view of Logan et al (5,892,536).

Regarding claim 1 and 16, Okuyama teaches personal versatile recorder (Figs. 1, 3) for recording any type of data comprising:

a central processing unit;

a data storage device;

a connection to a television system for receiving a signal comprising television programming and a data transport stream for transmitting streamed audiovisual content, multimedia files or software;

wherein said central processing unit selectively records said television programming and data from said data transport stream on said data storage device (column 10-12) (storing the television programming (program guide) using the stored television programming for selecting video or audio channels recorded and recording the video and audio data together with the program guide (columns 6, 7).

Okuyama fails to specifically teach that the television system is a cable television system and recoding any type of received data as recited in claim 1 and 16.

Logan teaches a recording apparatus having a receiving means for receiving any for recording any type of data including signal from a cable television , internet and broadcast (column 2, lines 17-39).

It would have been obvious to one of ordinary skill in the art to modify Okuyama with Logan by providing the apparatus of Okuyama with a receiving means as taught by Logan for receiving and record any of television signal and data thereby enhancing the capacity apparatus of Okuyama for receiving , selecting and recording any data format.

Regarding claim 2 and 17, Okuyama as modified with Logan teaches multimedia files comprise one or more of the following a picture file, a graphics file, a video file or an audio file, or any combination thereof (see Okuyama and Logan).

Regarding claims 3 and 18, Okuyama as modified with Logan further teaches a receiving unit for receiving the web page from an internet (Logan , column 2, lines 18-38).

Regarding claims 4 and 19, Okuyama further teaches a user interface for controlling said central processing unit to selectively record said television programming and content from said data transport stream (see Okuyama reference, column 6) .

Regarding claims 7 and 22, Okuyama as modified with Logan further teaches an audio/video output for connecting said recorder to a television set or monitor for outputting programming or data stored on said data storage device to said television set or monitor (Okuyama, column 12, lines 1-15).

Regarding claims 11 and 26, Okuyama as modified with Logan further teaches an upstream transmitter for transmitting requests for data over said connection (See Logan, column 2, lines 30-37, column 3 lines 20-30).

Regarding claims 13,28 and 32, Okuyama further teaches an agent application executed by said central processing unit for identifying and recording or caching data from said data transport stream or television programming that matches parameters input by a user (See Okuyama, recording video data that match with program guide).

Regarding claims 14 and 29, Okuyama as modified with Logan further comprising generating a multimedia e-mail file or message with said personal versatile recorder (Logan, column 2, lines 32-38).

2. Claims 5 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okuyama in view of Logan as applied to claims 1 and 16 above further in view of Metz et al (5,768,539).

Regarding claims 5 and 20, Okuyama as modified with Logan fails to teaches the data of software of the data transport stream comprises software executable by said central processing unit to enable said central processing unit to manage and open any type of multimedia data file or manage any type of data stream as recited in the claims.

Metz teaches an apparatus for receiving data of software that excuse a processor for managing the video or audio files (column 6 and 42). It would have been obvious to one of ordinary skill in the art to modify Metz by using the teaching of Metz for incorporating a processor in the apparatus of Okuyama as modified with Logan and

for receiving data of software to manage the multimedia files thereby enhancing the capacity of apparatus of Okuyama as modified with Logan in controlling and managing the files.

3. Claims 6, 8-10, 21, 23-25 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okuyama in view of Logan as applied to claims 1 and 16 above further in view of Lortz (6,349,410).

Regarding claims 6 and 21, Okuyama as modified with Logan fails to teach the use of a hard drive for storing the data. However, it is noted that using a hard disk drive for storing video, audio information or data is well known in the art as taught by Lortz (column 7, lines 15-25). Therefore official notice is taken and it would have been obvious to one of ordinary skill in the art to modify Okuyama with Logan by using a hard disk drive as an alternative storage device for Okuyama apparatus for recording video and audio content or data.

Regarding claims 8 and 23, Okuyama as modified with Logan fails to specifically teach that the recorder is integrated with a set top box. Lortz teaches a recorder integrated with a set top box (column 7, Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art to modify Okuyama with Lortz by using the teaching of Lortz for integrating the recorder with a set top box thereby providing more convenience to the user in handling recording the selected video and audio data.

Regarding claims 9, 10, 24 and 25, Okuyama as modified with Logan further teaches the use of a tuner for receiving transport stream (See Okuyama reference, Fig. 1), but fails to teach the use of a second tuner for receiving transport streams. However,

it is noted that incorporating an addition tuner for receiving transport streams is obvious since it is merely called for a duplicate part. Therefore, it would have been obvious to one of ordinary skill in the art to provide a second tuner for the modified Okuyama apparatus for receiving transport stream.

Regarding claim 39, Okuyama as modified with Logan and Lortz further teaches decreasing traffic on a network carrying said television programming, streamed audio visual content, multimedia file or software by caching data on said personal versatile recorder (see Lortz column 8, lines 1-10).

4. Claims 15 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okuyama in view of Logan as applied to claims 1 and 16 above further in view of Tomitsuka et al (5,566,271).

Regarding claims 15 and 30, Okuyama fails to teach verbally inputting parameters or commands to applications running on said central processing unit with a voice recognition system.

Tomitsuka teaches an apparatus a voice system for verbally input parameter or command to applications running on said central processing unit (Abstract, column 14).

It would have been obvious to one of ordinary skill in the art to modify Okuyama with Tomitsuka by providing the recorder of Okuyama with a voice recognition system as taught by Tomitsuka in order to enhance capacity of the apparatus Okuyama apparatus to provide more convenience the user in operating the apparatus .

5. Claims 31 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okuyama in view of Logan as applied to claims 1 and 16 above further in view of Tsukidate (6,714,722).

Regarding claims 31 and 41, Okuyama as modified with Logan fails to teach a content rights management system that prevents or limits recording or copying of data stored on said data storage device.

Tsukidate teaches a multimedia recorder having a copy management system that limits recoding copy (column 10) . It would have been obvious to one of ordinary skill in the art to modify Okuyama as modified with Logan with Tsukidate by providing the apparatus of Okuyama with a copy management system thereby enhancing the capacity of the apparatus of Okuyama to prevent unauthorized person from copy of the stored data .

6. Claims 40 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okuyama in view of Logan as applied to claims 1 and 16 above further in view of Kunnkel (5,961,603).

Regarding claims 40 and 42, Okuyama fails to teaches using universal resource locator for accessing the television programming and transmitting advertising to said personal video recorder in said composite signal, wherein said advertising is targeted to said recorder based on demographic or preferences associated with a user of said recorder.

Kunnkel teaches apparatus having a mean for accessing television programming by using a universal resource locator in a composite signal and for receiving unit for receiving advertising bases ion demographic (Abstract ,column 5, lines 1-25, column 12, lines 45 to column 13, line 35).

It would have been obvious to one of ordinary skill in the art to modify Okuyama with Kunnkel by using a receiving means as taught by Kunnkel with the apparatus of Okuyama for receiving television programming and using URL for accessing the television programming to receive the advertising from internet source, thereby enhancing the capacity of the apparatus of Okuyama .

7. Claims 12 and 27 are is rejected under 35 U.S.C. 103(a) as being unpatentable over Okuyama in view of Logan as applied to claim 1 and 16 above , further in view of Stone (JP407093891A).

Regarding claims 12 and 27, Okuyama as modified with Logan fails to teach compression means for compression the data by user .

Stone teaches an apparatus having a compression means for compressing video data by using a user interface . It would have been obvious to one of ordinary skill in the art to modify Okuyama with Stone by providing the apparatus of Okuyama with a compression means as taught by Stone for compressing the data in order to compensate the fidelity of the data .

Response to Arguments

8. Applicant's arguments filed 23 August 2004 have been fully considered but they are not persuasive.

Applicant argues that " Okuyama teaches a system that incorporates a Video Tape Recorder (VTR) (3, Fig. 1) as a data storage device. The VTR taught by Okuyama is suitable for recording television programming , but would clearly be unsuitable for storing data from a transport stream such as multimedia files or software as claimed. " In response, the examiner disagrees with applicant argument . It is noted that Okuyama is not only teach using a digital VTR for recording transport stream but also teaches using a DVD for recording the transport stream . It is clear that Okuyama teaches using a storage device for recording data from a transport stream such as multimedia files (TV programs) or software (video data or audio data of program or movies) .

Applicant further argues that " Okuyama does not teach or suggest the claimed central processing unit and data storage device where the central processing unit selectively records television programming and data from a data transport stream on the data storage device. In response, the examiner disagrees. It is noted that Okuyama at columns 5-6, teaches using controller for displaying television programming information (television program guide information) and using the displayed television program guides for selectively recording any program transport stream and television programming received by the recorder on a digital VTR or DVD . The selected television programming information can be used as information for retrieving the recorded transport steam program (column 11-12). The television program

Applicant argues that “ Logan does not teach or suggest a connection for a signal that includes multimedia files or software. “. In response , the examiner disagrees. It is noted that Lagan at column 2, lines 19-40, Logan teaches an apparatus having a connection to a signal to signal that including multimedia files (television programs, cable programs , Internet programs or any type of program) and software (video data or audio data).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T NGUYEN whose telephone number is (703) 305-4775. The examiner can normally be reached on 8:30AM -6:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N


HUY NGUYEN
PRIMARY EXAMINER